

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 65th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Alan Doane, on April 10, 2017 at 8:00 AM, in Room 137 Capitol

ROLL CALL

Members Present:

Rep. Alan Doane, Chair (R)
Rep. Seth Berglee, Vice Chair (R)
Rep. Virginia Court, Vice Chair (D)
Rep. Laurie Bishop (D)
Rep. Bob Brown (R)
Rep. Jennifer Eck (D)
Rep. Bill Harris (R)
Rep. Kathy Kelker (D)
Rep. Casey Knudsen (R)
Rep. Theresa Manzella (R)
Rep. Nate McConnell (D)
Rep. Shane A. Morigeau (D)
Rep. Dale Mortensen (R)
Rep. Zac Perry (D)
Rep. Matt Regier (R)
Rep. Barry Usher (R)
Rep. Kirk Wagoner (R)

Members Excused:

Rep. Ellie Hill Smith (D)
Rep. Lola Sheldon-Galloway (R)

Members Absent: None

Staff Present: Sara Fleming, Committee Secretary
Helen Thigpen, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HJ 35, 4/7/2017
Executive Action: HB 664, SB 192, SB 123, SB 329, SB 258, SB 174, SB 276,
SB 310, SB 280, SB 249, SB 352

HEARING ON HJ 35**Opening Statement by Sponsor:**

00:02:23 Rep. Mary Ann Dunwell (D), HD 84, opened the hearing on HJ 35, Interim study of the legalization and control of recreational marijuana.

EXHIBIT(juh75a01)

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:08:33 Rep. Eck
00:08:59 Rep. Dunwell
00:11:45 Rep. Court
00:12:34 Greg Mohr, Montana Magistrates Association (MMA)
00:14:04 Rep. Morigeau
00:14:51 Rep. Dunwell
00:16:33 Rep. Usher
00:16:50 Rep. Dunwell
00:19:49 Rep. B. Brown
00:20:27 Rep. Dunwell

Closing by Sponsor:

00:21:08 Rep. Dunwell

Committee Business:

00:22:43 Chair Doane
00:23:44 Rep. Court

00:28:17 Recess
00:59:56 Reconvene

EXECUTIVE ACTION ON HB 664**Discussion:**

01:00:15 Helen Thigpen, Legislative Services Division (LSD)

01:00:37 **Motion/Vote:** Rep. Berglee moved that **HB 664 DO PASS**. Motion carried 17-2 by voice vote with Rep. B. Brown and Rep. Mortensen voting no. Rep. Hill Smith and Rep. Sheldon-Galloway voted by proxy.

EXECUTIVE ACTION ON SB 352**Discussion:**

01:01:32 Helen Thigpen, LSD

01:01:54 **Motion:** Rep. Berglee moved that **SB 352 BE CONCURRED IN.**

Discussion:

01:02:03 Rep. Court

01:02:35 Rep. Eck

01:03:34 Rep. Harris

01:04:15 Rep. Morigeau

01:06:28 Rep. Manzella

01:08:21 Rep. Court

01:10:10 Rep. Berglee

01:11:28 Rep. B. Brown

01:11:50 Rep. Manzella

01:12:22 Rep. Morigeau

01:13:13 Rep. Kelker

01:14:21 Rep. Usher

01:15:38 Rep. Wagoner

01:16:08 **Vote:** Motion carried 11-8 by roll call vote with Rep. Bishop, Rep. Court, Rep. Eck, Rep. Hill Smith, Rep. Kelker, Rep. McConnell, Rep. Morigeau and Rep. Perry voting no. Rep. Hill Smith and Rep. Sheldon-Galloway voted by proxy. Rep. Manzella will carry the bill.

EXECUTIVE ACTION ON SB 192**Discussion:**

01:17:25 Helen Thigpen, LSD

01:17:43 **Motion:** Rep. Berglee moved that **SB 192 BE CONCURRED IN.**

Discussion:

01:17:50 Rep. Regier

01:18:57 **Vote:** Motion failed 8-11 by roll call vote with Rep. Bishop, Rep. Court, Rep. Eck, Rep. Hill Smith, Rep. Kelker, Rep. McConnell, Rep. Morigeau and Rep. Perry voting aye. Rep. Hill Smith and Rep. Sheldon-Galloway voted by proxy.

01:20:00 **Motion:** Rep. Berglee moved that **SB 192 BE TABLED.** Motion was without objection.

EXECUTIVE ACTION ON SB 123**Discussion:**

01:20:16 Helen Thigpen, LSD

01:20:31 **Motion/Vote:** Rep. Berglee moved that **SB 123 BE CONCURRED IN**. Motion failed 9-10 by roll call vote with Rep. Bishop, Rep. Court, Rep. Eck, Rep. Hill Smith, Rep. Kelker, Rep. C. Knudsen, Rep. McConnell, Rep. Morigeau and Rep. Perry voting aye. Rep. Hill Smith and Rep. Sheldon-Galloway voted by proxy.

01:21:43 **Motion:** Rep. Berglee moved that **SB 123 BE TABLED**. Motion was without objection.

EXECUTIVE ACTION ON SB 329**Discussion:**

01:22:08 Helen Thigpen, LSD

01:22:22 **Motion:** Rep. Berglee moved that **SB 329 BE CONCURRED IN**.

01:22:29 **Motion:** Rep. Berglee moved that **SB 329 BE AMENDED**.
[EXHIBIT\(juh75a02\)](#)

Discussion:

01:22:35 Helen Thigpen, LSD

01:23:31 **Vote:** Motion carried 11-8 by roll call vote with Rep. Bishop, Rep. Court, Rep. Eck, Rep. Hill Smith, Rep. Kelker, Rep. McConnell, Rep. Morigeau and Rep. Perry voting no. Rep. Hill Smith and Rep. Sheldon-Galloway voted by proxy.

01:25:08 **Motion:** Rep. Berglee moved that **SB 329 BE CONCURRED IN AS AMENDED**.

Discussion:

01:31:41 Chair Doane
01:33:04 Rep. Morigeau
01:33:23 Rep. Court
01:34:31 Rep. Kelker
01:36:55 Rep. McConnell
01:39:05 Rep. Regier
01:39:46 Rep. Usher
01:40:11 Helen Thigpen, LSD
01:40:52 Rep. Harris
01:41:58 Rep. Eck
01:44:03 Rep. Wagoner

01:44:11 **Vote:** Motion carried 11-8 by roll call vote with Rep. Bishop, Rep. Court, Rep. Eck, Rep. Hill Smith, Rep. Kelker, Rep. McConnell, Rep. Morigeau and Rep. Perry voting no. Rep. Hill Smith and Rep. Sheldon-Galloway voted by proxy. Rep. Manzella will carry the bill.

EXECUTIVE ACTION ON SB 258**Discussion:**

01:45:40 Helen Thigpen, LSD

01:45:56 **Motion/Vote:** Rep. Berglee moved that **SB 258 BE CONCURRED IN**. Motion carried unanimously by voice vote. Rep. Hill Smith and Rep. Sheldon-Galloway voted by proxy. Rep. Bishop will carry the bill.

EXECUTIVE ACTION ON SB 174**Discussion:**

01:46:46 Helen Thigpen, LSD

01:47:33 **Motion/Vote:** Rep. Berglee moved that **SB 174 BE CONCURRED IN**. Motion carried 11-8 by roll call vote with Rep. Bishop, Rep. Court, Rep. Eck, Rep. Hill Smith, Rep. Kelker, Rep. McConnell, Rep. Morigeau and Rep. Perry voting no. Rep. Hill Smith and Rep. Sheldon-Galloway voted by proxy. Rep. Webb will carry the bill.

EXECUTIVE ACTION ON SB 276**Discussion:**

01:49:10 Helen Thigpen, LSD

01:49:22 **Motion:** Rep. Berglee moved that **SB 276 BE CONCURRED IN**.

Discussion:

01:49:30 Rep. Morigeau

01:51:05 Rep. Usher

01:51:47 **Vote:** Motion carried 11-8 by roll call vote with Rep. Bishop, Rep. Court, Rep. Eck, Rep. Hill Smith, Rep. Kelker, Rep. McConnell, Rep. Morigeau and Rep. Perry voting no. Rep. Hill Smith and Rep. Sheldon-Galloway voted by proxy. Rep. Webb will carry the bill.

EXECUTIVE ACTION ON SB 310**Discussion:**

01:52:59 Helen Thigpen, LSD

01:53:18 **Motion:** Rep. Berglee moved that **SB 310 BE CONCURRED IN**.

Discussion:

01:53:25 Rep. Morigeau

01:54:51 Rep. Harris

01:55:20 Rep. Morigeau

01:56:08 Rep. Manzella

01:57:00 Chair Doane

01:57:23 Rep. Morigeau

01:57:50 Chair Doane

01:58:04 **Vote:** Motion failed 9-10 by roll call vote with Rep. Bishop, Rep. Court, Rep. Doane, Rep. Eck, Rep. Hill Smith, Rep. Kelker, Rep. McConnell, Rep. Morigeau and Rep. Perry voting aye. Rep. Hill Smith and Rep. Sheldon-Galloway voted by proxy.

01:59:07 **Motion:** Rep. Berglee moved that **SB 310 BE TABLED**. Motion was without objection.

EXECUTIVE ACTION ON SB 280

Discussion:

01:59:23 Helen Thigpen, LSD

01:59:44 **Motion:** Rep. Berglee moved that **SB 280 BE CONCURRED IN**.

02:00:02 **Substitute Motion/Vote:** Rep. Mortensen made a substitute motion that **SB 280 BE TABLED**. Substitute Motion carried 13-6 by roll call vote with Rep. Bishop, Rep. Court, Rep. Eck, Rep. Kelker, Rep. McConnell and Rep. Morigeau voting no. Rep. Hill Smith and Rep. Sheldon-Galloway voted by proxy.

EXECUTIVE ACTION ON SB 249

02:02:24 **Motion/Vote:** Rep. Court moved to **RECONSIDER PREVIOUS ACTION** on **SB 249**. Motion carried 10-9 by roll call vote with Rep. Berglee, Rep. B. Brown, Rep. Doane, Rep. C. Knudsen, Rep. Manzella, Rep. M. Regier, Rep. Sheldon-Galloway, Rep. Usher and Rep. Wagoner voting no. Rep. Hill Smith and Rep. Sheldon-Galloway voted by proxy.

02:04:39 **Motion:** Rep. Court moved that **SB 249 BE CONCURRED IN**.

Discussion:

02:04:45 Rep. Harris

02:05:48 Rep. Wagoner

02:06:20 **Vote:** Motion failed 9-10 by roll call vote with Rep. Bishop, Rep. Court, Rep. Eck, Rep. Hill Smith, Rep. Kelker, Rep. McConnell, Rep. Morigeau, Rep. Mortensen and Rep. Perry voting aye. Rep. Hill Smith and Rep. Sheldon-Galloway voted by proxy.

02:06:55 **Motion:** Rep. Berglee moved that **SB 249 BE TABLED**. Motion was without objection.

Committee Business:

02:07:42 Rep. Usher

02:07:59 Chair Doane

ADJOURNMENT

Adjournment: 02:09:39

Sara Fleming, Secretary

sf

Additional Documents:

EXHIBIT([juh75aad.pdf](#))